

EXP MAIL MAILING LABEL

No. EL302644545US



COPY

PATENT
Atty. Docket No. BPL-004
(873/7)

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

(Original, Design, National Stage of PCT, Supplemental, Divisional, Continuation or CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☐ original
- ☐ design
- ☐ supplemental
- ☐ national stage of PCT
- ☐ divisional
- ☐ continuation
- ☒ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

CONTACT-KILLING ANTIMICROBIAL DEVICES

004454545US

SPECIFICATION IDENTIFICATION

the specification of which (check one):

- ☐ is attached hereto.
- ☒ was filed on October 28, 1996 as Application Serial No. 08/742,580 or
- ☐ Express Mail No., as Serial No. not yet known _____ and was amended on (if applicable).
- ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Check one:

- ☒ no such applications have been filed.
- ☐ such applications have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN
12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO
THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (mo., day, year)	Priority Claimed Under 37 USC 119
			<input type="checkbox"/> YES NO <input type="checkbox"/>

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN
12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO
THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (mo., day, year)	Priority Claimed Under 37 USC 119
			<input type="checkbox"/> YES NO <input type="checkbox"/>

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:**

U.S. APPLICATIONS	U.S. FILING DATE	STATUS
<u>08/663,269</u> (Application Serial No.)	<u>12/19/94</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, aband.)
<u>PCT/US94/14636</u> (Application Serial No.)	<u>12/19/94</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, aband.)
<u>08/220,821</u> (Application Serial No.)	<u>03/31/94</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, aband.)
<u>08/170,510</u> (Application Serial No.)	<u>12/20/93</u> (Filing Date)	<u>Patented</u> (Status) (patented, pending, aband.)

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

Steven M. Bauer	Reg. No. 31,481
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John J. Cotter	Reg. No. 38,116
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Robin D. Kelley	Reg. No. 34,637
Douglas J. Kline	Reg. No. 35,574
John D. Lanza	Reg. No. 40,060
Robin R. Longo	Reg. No. 40,071
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Christine C. Vito	Reg. No. 39,061

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Direct telephone calls to:

Paula A. Campbell (617) 248-7263

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

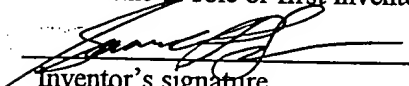
SIGNATURE(S)

Samuel P. Sawan

Full name of sole or first inventor

U.S.A.

Citizenship


Inventor's signature

Date

11-25-96

37 Beverlee Road, Tyngsboro, Massachusetts 01879

Residence

Same as above

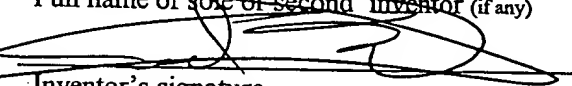
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Tadmor Shalon

Full name of sole or second inventor (if any)

U.S.A.

Citizenship


Inventor's signature

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Post Office Address

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S)
WHICH FORM A PART OF THIS DECLARATION

- ☒ Signature for third and subsequent joint inventors.
Number of pages added 1.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added ____.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added ____.
- ☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation in-part (CIP) application. ____ Number of pages added.
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.

- ☐ This declaration ends with this page.

ADDED PAGES FOR ADDITIONAL INVENTORS

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Full name of inventor

[Signature]

Inventor's signature

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Citizenship

11/25/96

Date

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Full name of inventor

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Full name of inventor

Citizenship

Inventor's signature

Date

Residence

Post Office Address

188PAC873/6.279820

EXPRESS MAIL MAILING LABEL

No. EL302644545US

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PATENT
Atty. Docket No. BPL-004
(873/7)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant or Patentee Samuel P. Sawan, Tadmor Shalon, Sundar Subramanyam and Alexander Yurkovetskiy

Serial or Patent No.: 08/742,580

Filed or Issued: October 28, 1996

For: CONTACT-KILLING ANTIMICROBIAL DEVICES

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below;
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: BioPolymerix, Inc.

ADDRESS OF CONCERN: One Industrial Way, Tyngsboro, Massachusetts 01879

I hereby declare that the above identified small business qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled.

CONTACT-KILLING ANTIMICROBIAL DEVICES

by inventor(s) Samuel P. Sawan, Tadmor Shalon, Sundar Subramanyam and Alexander Yurkovetskiy
described in

- ☐ the specification filed herewith.
- ☒ application serial no. 08/742,580 filed October 28, 1996.
- ☐ patent no. _____, issued _____.

Verified Statement (Declaration) **Claiming Small Entity Status (37 CFR 1.9(f) and 1.27 (c)) - Small Business Concern**

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If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

NAME

ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME

ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Samuel P. Sawan

TITLE OF PERSON OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING One Industrial Way, Tyngsboro, Massachusetts 01879

SIGNATURE



Date

11-25-96